

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

THERESA A. KOVACS,)	CASE NO. 3:22-cv-02151-JGC
)	
Plaintiff,)	HON. JUDGE JAMES G. CARR
)	
v.)	MAG. JUDGE DARRELL A. CLAY
)	
UNIVERSITY OF TOLEDO,)	<u>MOTION FOR</u>
)	<u>JUDICIAL NOTICE</u>
Defendant.)	<u>(FED.R.EVID. 201)</u>

Pursuant to Fed.R.Evid. 201(c)(2), Plaintiff Theresa A. Kovacs moves the Court to take judicial notice of the complaint filed in another employment discrimination case filed against the University of Toledo in the Northern District of Ohio and the exhibits attached to that Complaint. A memorandum in support of this motion is attached.

Respectfully submitted,

COHEN ROSENTHAL & KRAMER LLP

/s/ Ellen M. Kramer

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Counsel for Plaintiff

MEMORANDUM IN SUPPORT

The employment discrimination claims in this proceeding stem from conduct which occurred in late 2020 and early 2021 in the University of Toledo's Human Resources ("HR") Department.

The proceeding listed below, Carolyn Chapman v. University of Toledo, is pending in the Northern District of Ohio and, like the case at hand, involves employment discrimination claims stemming from actions in the HR Department at the University of Toledo in late 2020 and 2021. Both Chapman and Plaintiff Theresa Kovacs were terminated by the same individual, John Elliott. In Chapman's proceeding the Ohio Civil Rights Commission ("OCRC") issued a finding of probable cause of unlawful conduct by the University prior to the filing of her lawsuit. Chapman's OCRC probable cause determination is attached to her Complaint. Specifically, the action and the related complaint and exhibits is:

Exhibit 1: Carolyn Chapman v. University of Toledo, Northern District of Ohio Case No. 3:23-cv-01022-JJH Complaint and exhibits attached to Chapman's Complaint.

Courts may take judicial notice of proceedings in other courts of record. *Haller v. U.S. Dept. of Housing & Urban Development*, S.D. Ohio No. 1:11-cv-881, 2012 WL 2829766 *14 n.2 (July 10, 2012) (citations omitted). Further, the Complaint attached hereto is considered to be public record and, therefore, is an exception to hearsay. *See, e.g., Kovacs v. Superior Dairy*, 930 F.Supp.2d 857, 862-63 (N.D. Ohio 2013) (citing *Bass v. Wendy's of Downtown, Inc.*, No. 11-CV-940, 2012 WL 1552264 *2n.1 (N.D. Ohio May

1, 2012) (additional citations omitted. *See also Mayes v. University of Toledo*, N.D. Ohio Case No. 3:14-CV-01556, 2015 WL 521111 *4 (February 9, 2015).

This Court should take judicial notice of the Complaint filed by Carolyn Chapman and to the exhibits attached to that Complaint, including the OCRC probable cause determination issued against the University of Toledo.

Respectfully submitted,

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 17, 2023, I electronically filed the foregoing PLAINTIFF’S MOTION FOR JUDICIAL NOTICE with the Clerk of the Court using the CM/ECF system which will also send such notification to counsel for the Defendant.

/s/ Ellen M. Kramer